

201 KAR 20:056. Advanced practice registered nurse licensure, program requirements, recognition of a national certifying organization.

RELATES TO: KRS 218A.205(3)(g)2, 314.011, 314.042, 314.091, 314.161, 314.470

STATUTORY AUTHORITY: KRS 218A.205(3)(g)2, 314.042(7), 314.131(1), 314.470

NECESSITY, FUNCTION, AND CONFORMITY: KRS 314.131(1) authorizes the Board of Nursing to promulgate administrative regulations necessary to enable it to carry into effect the provisions of KRS Chapter 314. KRS 314.042 requires the licensure of an advanced practice registered nurse and authorizes the board to promulgate administrative regulations establishing licensing requirements. This administrative regulation establishes the requirements for licensure, renewal, and reinstatement, programs, and recognition of a national certifying organization.

Section 1. An applicant for licensure as an advanced practice registered nurse in Kentucky shall:

- (1)(a) Complete an "Application for Licensure as an Advanced Practice Registered Nurse" as required by 201 KAR 20:370, Section 1(1);
- (b) Provide a copy of a current active Registered Nurse license or validation of Registered Nurse licensure if the state of licensure does not issue licensure cards;
- (c) Submit the fee required by 201 KAR 20:240, Section 1(2)(k); and
- (d) Comply with the requirements established in KRS 314.042 and Sections 2 and 4 through 10 of this administrative regulation.
- (2) If the applicant is applying only for a license as an advanced practice registered nurse, the applicant shall also provide:
 - (a) A completed Federal Bureau of Investigation (FBI) Applicant Fingerprint Card and the fee required by the FBI that is within six (6) months of the date of the application;
 - (b) A report from the Kentucky Administrative Office of the Courts, Courtnet Disposition System that is within six (6) months of the date of the application;
 - (c) A certified copy of the court record of any misdemeanor or felony conviction as required by 201 KAR 20:370, Section 1(3); and
 - (d) A letter of explanation that addresses each conviction, if applicable.
- (3) An applicant shall not be licensed until:
 - (a) A report is received from the FBI pursuant to the request submitted under subsection (5)(a) of this section and any conviction is addressed by the board; and
 - (b) A query is completed to the board's reporting agent to the National Practitioner Data Bank of the United States Department of Health and Human Services pursuant to KRS 218A.205(3)(g)2 and any relevant data on the applicant is received.

Section 2. Postbasic Program of Study and Clinical Experience. (1) An organized postbasic program of study and clinical experience shall conform to the following criteria in order to be acceptable to the board. The program shall:

- (a) Be an established, ongoing, and organized program offered on a routine basis to an enrollee;
- (b)1. Be accredited or approved for the education of nurses by a recognized accreditation or approval body; or
2. Be sponsored by a sponsoring organization, which shall hold the accreditation or approval for the education of nurses by a recognized accreditation or approval body;
- (c) Have a program design which prepares an enrollee to function in a role consistent with the advanced practice registered nursing designation;
- (d) Have a program design which includes purpose, philosophy, objectives, curriculum content, and plan to evaluate achievement of objectives and measurement of learning outcomes of students;
- (e) Have a designated faculty responsible for planning, development, implementation, and evaluation of curriculum and students;
- (f) Include didactic components that prepare the student to perform the additional acts delineated by the board pursuant to KRS 314.011(8) and include at least pharmacology, advanced physical assessment, advanced pathophysiology, and medical management of disease and differential diagnosis;
- (g) Include a supervised clinical experience that includes application of all the didactic components; and
- (h) Upon successful completion, award a diploma or certificate.
- (2)(a) If the applicant for licensure as an advanced practice registered nurse completed a postbasic program of study after January 1, 2005, the applicant shall hold a master's degree, or doctorate, or postmaster's certificate awarding academic credit by a college or university related to the advanced practice registered nurse designation.
- (b) If the applicant for licensure as an advanced practice registered nurse completed a postbasic program of study before January 1, 2005, the program shall be evaluated by the board on an individual basis to determine if the program sufficiently prepares a student for advanced practice registered nursing by complying with the requirements of this section.

Section 3. National Certifying Organizations. (1) A nationally established organization or agency which certifies registered nurses for advanced practice registered nursing shall be recognized by the board if it meets the following criteria:

- (a) The certifying body is an established national nursing organization or a subdivision of this type of organization;
- (b) Eligibility requirements for certification are delineated;
- (c) Certification is offered in specialty areas of clinical practice consistent with the population focus required by and defined by KRS 314.011;
- (d) Scope and standards of practice statements are promulgated;
- (e) Mechanism for determining continuing competency is established; and
- (f) The certifying body is accredited by the American Board of Nursing Specialties or the National Commission for Certifying Agencies.
- (2) The board recognizes the following national certifying organizations:
 - (a) American Nurses Credentialing Center;
 - (b) American Midwifery Certification Board;
 - (c) National Board on Certification and Recertification of Nurse Anesthetists;

- (d) Pediatric Nursing Certification Board;
- (e) National Certification Corporation;
- (f) American Academy of Nurse Practitioners; and
- (g) American Association of Critical-Care Nurses Certification Corporation.

(3) The following certification examinations for nurse practitioners (NP) and clinical nurse specialists (CNS) offered by the national certifying organizations identified in subsection 2 of this section shall be deemed to meet the definition of population focus of KRS 314.011(20):

- (a) Acute Care NP;
- (b) Adult NP;
- (c) Adult Psychiatric and Mental Health NP;
- (d) Family NP;
- (e) Family Psychiatric and Mental Health NP;
- (f) Gerontological NP;
- (g) Neonatal NP;
- (h) Pediatric NP;
- (i) Pediatric/Primary Care NP;
- (j) Pediatric/Acute Care NP;
- (k) Women's Health NP;
- (l) Adult Health CNS;
- (m) Adult Psychiatric and Mental Health CNS;
- (n) Child and Adolescent Psychiatric and Mental Health CNS;
- (o) Gerontological CNS;
- (p) Pediatric CNS;
- (q) Adult Acute Care CNS;
- (r) Pediatric Acute Care CNS; and
- (s) Neonatal Acute Care CNS.

(4) The board recognizes the Oncology Nursing Certification Corporation only for those individuals who received certification prior to the effective date of this administrative regulation and who have continually renewed their Kentucky advanced practice registered nurse license since that date.

Section 4. Practice Pending Licensure. (1) A registered nurse who meets all the requirements for practice as an advanced practice registered nurse, and who holds a registered nurse temporary work permit issued pursuant to 201 KAR 20:110 pending licensure by endorsement or a privilege to practice as a registered nurse, shall be authorized to practice as an advanced practice registered nurse for a period of time not to exceed the expiration date of the temporary work permit.

(2) Authorization to practice pursuant to this section shall be in the form of a letter from the board acknowledging that the applicant has met all the requirements of this section. An applicant shall not practice until the authorization letter has been issued.

(3) An individual authorized to practice pursuant to subsection (1) of this section may use the title "APRN Applicant" or "APRN App.".

Section 5. License Renewal. (1) The advanced practice registered nurse license shall expire or lapse when the registered nurse license or privilege expires or lapses.

(2) To be eligible for renewal of the license as an advanced practice registered nurse, the applicant shall:

- (a) Renew the registered nurse license or privilege on an active status;
- (b) Submit a completed "Annual Licensure Renewal Application: RN and APRN" or a completed "Annual APRN Licensure Renewal Application for APRN with RN Compact License (not Kentucky)" form, as applicable, and as required by 201 KAR 20:370, Section 1(1);

(c) Submit the current renewal application fee, as established in 201 KAR 20:240, Section 1(2)(l); and

(d) Maintain current certification by a recognized national certifying organization.

(3) An advanced practice registered nurse who fails to renew the registered nurse license or privilege or is otherwise unable to legally practice as a registered nurse shall not practice as or use the title of advanced practice registered nurse until:

- (a) A current active license has been issued by the board or a privilege is recognized by the board; and
- (b) The advanced practice registered nurse license has been reinstated.

(4) An advanced practice registered nurse shall provide evidence of current certification by a recognized national certifying organization upon recertification and at the request of the board.

Section 6. License Reinstatement. (1) If a nurse fails to renew the advanced practice registered nurse license as prescribed by KRS 314.042 and this administrative regulation, the license shall lapse on the last day of the licensure period.

(2) To be eligible for reinstatement of the advanced practice registered nurse license, the applicant shall:

(a) Submit a completed "Application for Licensure as an Advanced Practice Registered Nurse" form as required by 201 KAR 20:370, Section 1(1);

(b) Submit the current reinstatement application fee, as established in 201 KAR 20:240, Section 1(2)(m); and

(c) Maintain current certification by a recognized national certifying organization.

(3) If the applicant is applying for reinstatement of a license as an advanced practice registered nurse, the applicant shall also provide a:

(a) Completed Federal Bureau of Investigation (FBI) Applicant Fingerprint Card and the fee required by the FBI that is within six (6) months of the date of the application;

(b) Report from the Kentucky Administrative Office of the Courts, Courtnet Disposition System that is within six (6) months of the date of the application;

(c) Certified copy of the court record of any misdemeanor or felony conviction as required by 201 KAR 20:370, Section 1(3); and

(d) Letter of explanation that addresses each conviction, if applicable.

Section 7. Certification or Recertification. (1)(a) An advanced practice registered nurse shall maintain current certification or recertification from one (1) of the national organizations recognized in Section 3 of this administrative regulation throughout the licensure period.

(b) The board shall conduct an audit to verify that an advanced practice registered nurse has met the requirements of subsection (1)(a) of this section.

(2)(a) A nurse who fails to attain current, active certification or recertification from one (1) of the national organizations recognized in Section 3 of this administrative regulation shall not practice or use the title of advanced practice registered nurse (APRN) until current certification or recertification is obtained.

(b) An APRN whose certification or recertification lapses prior to the expiration of the APRN license and who does not provide evidence of current certification or recertification after a request by the board shall have the APRN license voided. This action shall not be considered to be a disciplinary action. The APRN may request a hearing on this action by submitting the request in writing. If the action is upheld or not challenged, the APRN may seek reinstatement of the license in accordance with Section 6 of this administrative regulation.

(3) An advanced practice registered nurse who is decertified by the appropriate national organization shall:

(a) Notify the board of that fact; and

(b) Not practice as or use the title of advanced practice registered nurse during the period of decertification.

Section 8. (1) An application shall be valid for a period of one (1) year from the date of submission to the board.

(2) After one (1) year from the date of application, the applicant shall be required to reapply.

Section 9. The requirements of Sections 1 through 11 of this administrative regulation shall not prohibit the supervised practice of a nurse enrolled in:

(1) A postbasic educational program for preparation for advanced practice registered nursing; or

(2) An advanced practice registered nurse refresher course.

Section 10. A registered nurse who holds himself out as a clinical specialist or is known as a clinical specialist shall be required to be licensed as an advanced practice registered nurse if his practice includes the performance of advanced practice registered nursing procedures.

Section 11. A nurse practicing as an advanced practice registered nurse who is not licensed as an advanced practice registered nurse by the board, an advanced practice registered nurse whose practice is inconsistent with the specialty to which he has been designated, or an advanced practice registered nurse who does not recertify and continues to practice as an advanced practice registered nurse shall be subject to the disciplinary procedures set in KRS 314.091. (6 Ky.R. 651; Am. 7 Ky.R. 309; eff. 11-6-80; 9 Ky.R. 1027; eff. 4-6-86; 11 Ky.R. 1445; eff. 5-14-85; 12 Ky.R. 1523; eff. 4-17-86; 18 Ky.R. 331; 997; eff. 9-24-91; 19 Ky.R. 2664; 20 Ky.R. 302; eff. 8-6-93; 3216; eff. 8-4-94; 24 Ky.R. 2421; 25 Ky.R. 60; eff. 7-9-98; 27 Ky.R. 817; 1246; eff. 11-17-2000; 29 Ky.R. 2118; 2448; eff. 4-11-03; 30 Ky. R. 2544; 31 Ky. R. 337; eff. 8-24-04; 32 Ky.R. 283; eff. 10-19-05; 33 Ky.R. 509; 1067; eff. 10-18-06; 34 Ky.R. 1781; 2182; eff. 5-2-2008; 35 Ky.R. 2787; eff. 8-12-2009; 37 Ky.R. 419; 1215; eff. 12-15-2010; 2043; eff. 5-6-2011; 2892; 38 Ky.R. 235; eff. 8-17-2011; 38 Ky.R. 1358; 1547; eff. 3-21-2012; 39 Ky.R. 533; 1383; eff. 2-1-2013.)